

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMUSEMENT INDUSTRY, INC., dba
WESTLAND INDUSTRIES, and
PRACTICAL FINANCE CO., INC.,

Plaintiffs,

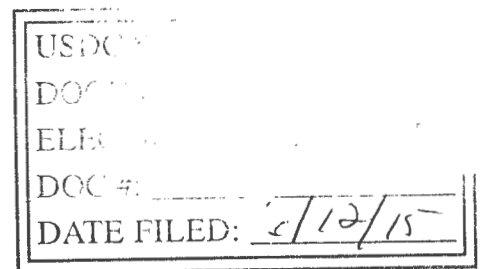
vs.

MOSES STERN, aka MARK STERN,
JOSHUA SAFRIN, FIRST REPUBLIC
GROUP REALTY, LLC, EPHRAIM
FRENKEL, FIRST REPUBLIC GROUP
CORP., LAND TITLE ASSOCIATES
AGENCY, LLC aka LAND TITLE
ASSOCIATES, and AVERY EGERT,

Defendants.

AND RELATED CROSS ACTIONS

Case No. 07 Civ. 11586 (LAK) (GAG)



**SECOND ~~ORDER~~ ORDER PERMITTING AVERY EGERT TO AMEND PLEADING TO
ADD DEFENSE UNDER N.Y. GOB. LAW § 15-108**

WHEREAS Avery Egert (“Egert”) and The Safrin Group, LLC (collectively with Egert, the “Egert Parties”) and Amusement Industry, Inc., Practical Finance Co., Inc., and Steven Alevy, dba Bankers Capital Realty Advisors (collectively, the “Amusement Parties”) are attempting to reach a settlement of all claims between and amongst themselves in this action.

WHEREAS the contemplated settlement between the Egert Parties and Amusement Parties is affected by the status of contribution claims by Mark Stern (“Stern”) and Mark Stern’s wholly owned corporation, First Republic Group Corp. (“FRGC”), against Egert.

WHEREAS on May 6, 2015, Egert requested leave to amend his answer to Stern’s third-party complaint to include a defense based on N.Y. GOB. LAW § 15-108 (dkt. 795).

WHEREAS on May 7, 2015, the Court afforded Stern the opportunity to file an opposition memorandum on or before May 15, 2015 (dkt. 796).

WHEREAS on May 18, 2015 and at the request of Stern, the Court extended Stern's time to file an opposition memorandum to May 26, 2015 (dkt. 797).

WHEREAS Stern did not file an opposition memorandum by May 26, 2015.

WHEREAS on June 4, 2015, in the absence of any opposition by Stern, Egert again requested permission from this Court to amend his pleading in response Stern's claims (dkt. 798).

WHEREAS on June 8, 2015 the Court issued an order permitting Egert to amend his pleading in response to Stern's contribution claim for the limited purpose of adding a defense based on N.Y. GOB. LAW § 15-108 (dkt. 801).

WHEREAS on June 10, 2015, Egert requested leave to amend his answer to FRGC's cross-claims to include a defense based on N.Y. GOB. LAW § 15-108.

IT IS HEREBY ORDERED that:

- (1) Avery Egert may amend his pleading in response to FRGC's contribution claim for the limited purpose of adding a defense based on N.Y. GOB. LAW § 15-108 (the "Amended Pleading");
- (2) the Amended Pleading shall be filed and served on or before June 22, 2015;
- (3) service of the Amended Pleading upon Stern by email at mstern109@gmail.com shall be deemed good and sufficient; and
- (4) Counsel shall serve a copy of this Order on Stern forthwith.

SO ORDERED:

Dated June 12, 2015
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge